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RESPONSE TO COMMENTS
FOR
AMENDMENT TO
REGULATIONS 310 CMR 7.00
FOR THE CONTROL OF AIR POLLUTION
IN THE

BERKSHIRE AIR POLLUTION CONTROL DISTRICT
PIONEER VALLEY AIR POLLUTION CONTROL DISTRICT
MERRIMACK VALLEY AIR POLLUTION CONTROL DISTRICT
METROPOLITAN BOSTON AIR POLLUTION CONTROL DISTRICT
CENTRAL MASSACHUSETTS AIR POLLUTION CONTROL DISTRICT
SOUTHEASTERN MASSACHUSETTS AIR POLLUTION CONTROL DISTRICT

STATUTORY AUTHORITY
M.G.L. c. 111, Sections 142A through 142N

310 CMR 7.26(10)-(16)

PERCHLOROETHYLENE AIR EMISSIONS STANDARDS

FOR
DRY CLEANING FACILITIES

July 2008

INTRODUCTION

In accordance with the provisions of M.G.L. chapter 30A, public hearings were held at the Springfield City Hall and the Boston office of the Department of Environmental Protection (MassDEP) on April 30 and May 1, 2008, respectively, to receive testimony on proposed amendments to the Air Pollution Control Regulations at 310 CMR 7.00. The public comment period remained open until 5 p.m. on May 12, 2008. This document provides a response to the comments presented during the public comment period.

BACKGROUND

MassDEP proposed to adopt revisions to 310 CMR 7.26(10)-(16), its Environmental Results Program (ERP) perchloroethylene (perc) dry cleaning facility regulation (ERP-DC). The amendments incorporate and, in some instances expand on, the recently promulgated changes to the federal Maximum Available Control Technology (MACT) standards for perc dry cleaning facilities (40 CFR Part 63, Subpart M). In addition, MassDEP reorganized and streamlined the existing regulation format.

Once promulgated, MassDEP will submit the amended regulations to the United States Environmental Protection Agency (EPA) pursuant to the provisions of 40 CFR Part 63, Subpart E, for a §112(l) equivalency determination. If MassDEP is successful in obtaining a §112(l) equivalency determination for its program, the duplicative state and federal recordkeeping and reporting requirements will be eliminated. If MassDEP does not obtain a program equivalency determination, owners and operators of perc dry cleaners in Massachusetts will continue to be subject to both the federal program, 40 CFR Part 63, Subpart M and the MassDEP ERP-DC program.

Massachusetts General Laws, Chapter 111, §§142A-142M is the enabling legislation that gives MassDEP the authority to adopt regulations to prevent, control or abate conditions of air pollution to protect public health and welfare. The Commonwealth's regulations for the control of air pollution are promulgated at 310 CMR 7.00 "Air Pollution Control."

RESPONSE TO COMMENTS:

MassDEP held public hearings on the proposed amendments to the air pollution control regulations at 310 CMR 7.00; oral comments were provided at the Boston hearing. Oral testimony was provided by:

- Peter Blake, Executive Vice President of the North East Fabricare Association
- Leonard Weiss, National Cleaners Association

Written comments were received from David B. Conroy, Chief, Air Program Branch of the US EPA Region I.

SUMMARY AND RESPONSE TO COMMENTS

Comment: Oral testimony by the two association representatives were supportive of the proposed amendments with the caveat that the more inclusive definition of co-located could be a hardship for many dry cleaners.

Response: As stated in the background document, broadening the application of co-residential to include co-located with a list of specific sensitive receptors is consistent with MassDEP's comment letter of March 22, 2006 submitted to EPA on its draft amendments. MassDEP has not changed its position on this issue and is therefore going forward with its proposed definition. It is included below for convenience.

Co-located means a dry cleaning facility located in a building with a residence, a licensed day care center, a health care facility, a prison, an elementary school, a middle or high school, a children's pre-school, a senior center or a youth center.

Comment: EPA is concerned about the provision that allows a dry cleaner, which becomes co-located in a building with a residence after promulgation of the rule, but before December 15, 2020, to operate for up to 15 years. EPA believes this provision is less stringent than the Dry Cleaner NESHAP because it allows certain dry cleaners located in a building with a residence to operate for up to 15 years beyond December 21, 2020 and it would allow a new dry cleaner installed after July 13, 2006 to continue to operate once it is located in a building with a residence.

Response: MassDEP amended the regulations to address EPA's concern. All co-located perc dry cleaning facilities shall cease operation on or before December 21, 2020.

Comment: EPA noted that under Section 63.322(o)(4) of the Dry Cleaner NESHAP, "the owner or operator shall eliminate any emission of PCE from any dry cleaning system that is installed (including relocation of a used machine) after December 21, 2005, and that is located in a building with a residence. This effectively "prohibits any perc dry cleaner that is installed after December 21, 2005, and that is located in a building with a residence from operating..."

Response: MassDEP amended the regulations to address EPA's comment. The word "new" is deleted from provisions 7.26(12)(a)4 and 7.26(12)(a)5, so that the prohibition against the installation of a perc dry cleaning machine in a co-located facility after the specified dates will apply to any perc dry cleaning machine, whether new, used or relocated.

Comment: EPA noted that MassDEP allowed a dry cleaner 2 months from promulgation to cease operation if it was installed in a building with a residence after July 13, 2006. Because such a dry cleaner has been effectively prohibited from operating as of July 13, 2006 under the Dry Cleaner NESHAP, EPA believes this provision should be effective immediately upon the rule promulgation.

Response: MassDEP agrees that the effective date will be the date of promulgation.

Note: Under the federal MACT, dry cleaners co-located with a residence were prohibited from operating as of July 13, 2006. Upon promulgation of the amendments to 310 CMR 7.26(10)-(16) this prohibition will also be a state requirement.

Comment: MassDEP must clarify that Section 7.26(12)(a)(5) does not apply to dry-to-dry machines co-located with a residence. EPA suggests the following language change:

7.26(12)(a)(5) “All co-located dry-to-dry machines, **except those machines co-located with a residence**, shall cease operation on or before...”

Response: For simplicity, MassDEP eliminated the differing requirements for the dry-to-dry machines co-located with a residence and dry-to-dry machines co-located with one of the other listed receptors. The only exception is where machines co-located with a residence after July 13, 2006, those operations must cease operating immediately since it was a past requirement of the federal MACT. See 310 CMR 7.26(12)(a).

Comment: Under section 7.26(13)(i), MassDEP requires sources to monitor for leaks using a halogenated-hydrocarbon detector, a PCE gas analyzer or an alternative method approved by the Department. MassDEP must either require an alternative method under this section to be approved by EPA, or in lieu of EPA approval, MassDEP must require a source to use an alternative method approved by the Department employing a device capable of detecting vapor concentrations of PCE of 25 parts per million by volume.

Response: To avoid approval by both agencies, the regulations now require that the alternative method must use a device capable of detecting vapor concentrations of PCE of 25 parts per million by volume. See 310CMR7.26(13)(i)

Comment: Under Section 7.26(16), MassDEP must require sources to obtain EPA approval prior to operating equivalent emission control equipment. One way to make this change is to use the following language in Section 7.26(16)(b):

7.26(16)(b), An owner or operator ~~granted an~~ **shall receive approval of an** equivalency determination of their emission control equipment from the Administrator **and** shall notify the Department of the Administrator’s determination prior to operation of the dry cleaning system.

Response: Edits were made.

Comment: Under Section 7.26(13)(a), MassDEP allows the door of the dry cleaner to be opened during maintenance activities. EPA suggests that MassDEP add language to this section to require the door to be closed at all other times “except to the extent necessary” during maintenance operations.

Response: Edits were made

Comment: Under Section 63.324(f), the Dry Cleaner NESHAP requires facilities to submit a notification of compliance status by registered mail. EPA noted that the MA dry cleaner rule does not require this notification to be submitted by registered mail. EPA suggests that MassDEP require facilities to submit this notification by registered mail.

Response: To address this concern, the language was amended to require the submittal of the 2008 certification, when in paper format, to be submitted by registered mail.